

REMARKS

In view of the nature of the prosecution of this application and its parent applications, as well as the specific nature of the rejections raised by the Examiner, it is believed that the above-noted cancellation of certain claims, and minor amendments to other claims, not only overcomes all of these objections, but places this application in condition for immediate allowance, which action is therefore respectfully solicited.

Claims 96-102, 107-109, and 116-118 have been rejected as being unpatentable under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner contends that the term "solid drug component" is indefinite in that the specification defines highly plasticizing drug as being liquid. While the specification and present claims make it clear that the drug can be liquid or a liquid component prepared from dissolving a solid drug component in a solvent, the above-noted amendments to claims 96, 97, 107, and 108 in which the term "solid" has been deleted from these claims, are deemed to clearly obviate this rejection.

Claims 101, 102, 104, 105, 110, 111, 113, and 119 have been rejected on the basis of same invention double-patenting as that of claims 1-3, 8, 9, 11, and 12 of U.S. Patent No. 7,070,808. This rejection is respectfully traversed in view of the above amendments and for the reasons set forth hereinafter.

The Examiner's attention is initially directed to the above-noted cancellation of each of the claims rejected on the basis of same invention double-patenting. In view of the cancellation of these claims, and in light of the Examiner's direct indication that this rejection can be overcome by cancelling these conflicting claims, it is believed to be apparent that this rejection has now also been obviated.

Since there are no other outstanding rejections in this case, it is therefore respectfully submitted that all of the claims now set forth in this application clearly possess the requisite novelty, utility and unobviousness to warrant their immediate allowance, and such action is therefore respectfully solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any further objections to the allowance of this case.

Finally, if there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated:

Respectfully submitted,
Electronic signature: /Arnold H.
Krumholz/
Arnold H. Krumholz
Registration No.: 25,428
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

991947_1.DOC